

Notice of Allowability	Application No.	Applicant(s)	
	10/789,865	GRETZKE ET AL.	
	Examiner	Art Unit	
	Susannah Chung	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/30/2006.
2. ☒ The allowed claim(s) is/are 1-9, 11, 12, 15 and 16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>031306</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Claims 1-9 and 11-19 are pending in the instant application. Claim 10 has been canceled.

Response to Applicant's Remarks/Amendments

Applicant's remarks and amendment to the claims filed on 1/30/2006 are acknowledged.

Claims 1-4 stand rejected under 35 USC 112, 1st paragraph. This rejection is withdrawn in view of the amendment to the claims filed on 1/30/2006.

Claims 13-19 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement. The rejection of Claims 15 and 16 are withdrawn in view of the non-patent literature documents supporting the specific methods of treatment (i.e. diabetes mellitus and dyslipidemia) of utilizing the compounds listed in Claim 1. The rejection of Claims 13-14 and 17-19 stand as failing to comply with the enablement requirement under 35 U.S.C. 112, 1st paragraph.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

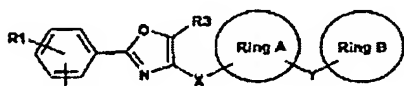
Authorization for this examiner's amendment was given in a telephone interview with Attorney Barbara Kurys on 03/13/2006. The application has been amended as follows:

Delete Claims 13-14 and 17-19.

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Allowable Subject Matter

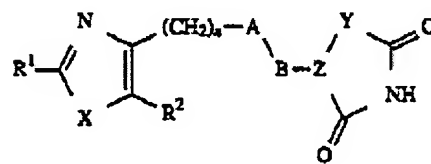
Claims 1-9, 11-12, and 15-16 directed to compounds, compositions, and methods

of use of formula (I), , depicted in claim 1, wherein **Ring A** is (C6)-cycloalkanediyl; **Ring B** is as stated in the reply on page 2; **R1**, **R2** are each independently H or (C1-C6)-alkyl; **R3** is (C1-C6)-alkyl; **X** is as stated in the reply on page 2; **Y** is (C1-C6)-alkanediyl are allowable.

Reasons for Allowance

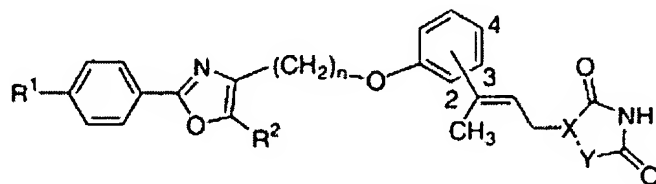
The present invention is directed to Cycloalkyl derivatives having bioisosteric carboxylic acid groups and their pharmaceutical compositions. The closest prior arts of record are U.S. Pat.

No. 5,468,762, which teach similar azolidinediones,



and a

journal article by Malamas et al., titled "New Azolidinediones as Inhibitors of Protein Tyrosine Phosphatase 1B with Antihyperglycemic Properties," J. Med. Chem., Vol. 43 (2000), pages 995-



1010, especially page 996, Compound 15,

Instead of a C6-cycloalkyl group at Ring A of the instant application, the prior art has a benzene ring.

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Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Chung whose telephone number is (571) 272-6098.

The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susannah Chung
Patent Examiner, AU 1626
Date: 03/13/2006



KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER